IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

Bail Appl..No. 5587 of 2007()

CMP.3559/2007 of J.M.F.C.,NADAPURAM

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CRIME NO. 233/2007 OF KUTTIADY POLICE STATION

PETITIONERS/ACCUSED NOS. 1 AND 2

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1. BADUSHA @ BADHU,S/O.ABDURAHIMAN,
AGED 21 YEARS,KANHAYIMEETHAL THAMASIKKUM
KURUVANTAVIDA THAZHEKUNI HOUSE,
VISHNUMANGALAM, VIYYUR.

2. RASAK.P.,S/O. ABDULLA, AGED 27 YEARS,
MANIKOYILOTH THAZHEKUNI HOUSE,
KALLACHI.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA ERNAKULAM, REPRESENTING
STATION HOUSE OFFICER,
KUTTIADY POLICE STATION.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5587 of 2007

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Dated this the 18th day of September, 2007

ORDER

Application for regular bail . The petitioners face allegations under Sec.401 IPC. They were allegedly taken into custody on 2.08.07. Initially, the crime was registered under Sec.41(1)(d) of Cr.P.C., but subsequently the allegations under Sec.401 IPC have been raised. Investigation is in progress. Final report has not been filed.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent of the allegations leveled against them. The petitioners who remain in custody from 2.8.07 may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the petitioners have criminal antecedents. Investigation is not complete. The Investigators may be given reasonable further time to complete the investigation, it is prayed.

4. I find merit in the opposition by the learned Public Prosecutor. I am not persuaded to grant regular bail to the petitioners at this early stage. Investigators in a serious crime like this are certainly entitled to reasonable further time to complete the investigation. In coming to

the conclusion I take note of the criminal antecedents of the petitioners also.

4. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court or the Sessions court for bail again at later stages of the investigation not, at any rate, prior to 1.10.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE